

hereby repealed, and in lieu thereof, and of the section to which the same were amendatory, are substituted the following sections :

Sec. 30. Upon such inquiry they may, where the defendant has been held by a magistrate, to answer the charge, and in no other case, if they believe him guilty thereof, find an indictment against him. When defendant may be indicted

Sec. 31. In all other cases, if, upon investigation, the Grand Jury believe that a person is guilty of a public offence, they shall proceed by presentment, except in cases not criminal at common law, and the gist whereof is a private injury, when the inquiry preliminary to the indictment shall be initiated before a magistrate. When may proceed by presentment

Sec. 2. This act shall take effect in thirty days after its approval.

Approved, March 5, 1863.

CHAPTER XXX.

An Act to amend Chapter One Hundred and Twelve of the Compiled Statutes, relating to Petit Jurors.

- SECTION 1. Amendment to Section 1, Chapter 112 Compiled Statutes. What to constitute and what are Petit Jurors.
2. Amendment to Section 2. The number of jurors to be drawn for each general term of District Court.
3. Amendment to Section 3. Qualifications of Petit Jurors.
4. Amendment to Section 4. How Petit Jurors drawn.
5. Amendment to Section 5. Duty of Clerk.
6. Amendment to Section 6. Clerk must prepare separate ballots at the opening of the Court.
7. Repeal of former acts.
8. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section 1 of Chapter 112 of the Compiled Statutes, be amended so as to read as follows :

What to constitute Petit Jurors

Sec. 1. A petit jury is a body of twelve men empaneled and sworn, in a District Court, to try and determine by a true and unanimous verdict, any question or issue of fact on any civil or criminal action or proceeding according to the evidence and law, as given to them in court.

Sec. 2. That Section 2 of said Chapter 112 be amended to as to read as follows :

The number of Jurors

Sec. 2. A number of petit jurors not less than fifteen, must be drawn for each general term of the District Court in any of the counties of this State, and no greater number shall be drawn unless the Court shall otherwise order, but in no case shall more than twenty four petit jurors be drawn.

Sec. 3. That Section 3 of said Chapter be amended so as to read as follows :

Qualifications of Petit Jurors

Sec. 3. The qualifications and disabilities of petit jurors shall be the same as those prescribed by law for grand jurors.

Sec. 4. That Section 4 of said Chapter 112 be amended so as to read as follows :

How Jurors drawn

Sec. 4. The petit jurors shall be drawn and summoned at the same time and in the same manner as is by law prescribed for the drawing and summoning of grand jurors.

Sec. 5. That Section 5 of said Chapter 112 be amended so as to read as follows :

Duty of Clerk

Sec. 5. The District Court in any county, may at least thirty days before the time for holding a general term of the Court in such county, order a number of petit jurors greater than fifteen and not exceeding twenty-four, to be drawn and summoned for such term, and upon such order being made and entered upon record in the office of the Clerk of the Court in the county where such term is to be held, such clerk shall draw and issue a venire for the number of jurors mentioned in such order.

Sec. 6. That Section 6 of said Chapter 112 be amended so as to read as follows :

Ballots to be prepared at the opening of the Court

Sec. 6. At the opening of the Court the Clerk must prepare separate ballots containing the names of the persons summoned as petit jurors, which must be folded as nearly alike as possible, and so that the name cannot be seen, and must deposit them in a sufficient box.

Sec. 7. That Sections 15 and 16 of said Chapter 112, Repeal of former acts be and the same are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after the first day of April next.

Approved, February 20, 1863.

CHAPTER XXXI.

An Act to Compel Clerks and Justices of the Peace to Account for Fines Collected.

- SECTION 1. Clerks of Courts and Justices of the Peace to report to Treasurer of State the amount of fines during the year.
 2. Penalty of non-compliance with preceding section.
 3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That each and every Clerk of any of the Courts of record in this State, and each Justice of the Peace therein, shall, on or before the first day of December in each year, make out and transmit to the Treasurer of State, a report in writing, showing the amount of fines by him assessed during the year preceding the time fixed for such report, the name of each person fined, the amount collected in each case, and the aggregate amount collected, the amount uncollected, and the reason why the same remains uncollected, the amount and time of paying over the same by such officers, in all cases where such fines are by law payable for the benefit of common schools, or other specific purpose.

Clerks of Courts and Justices of the Peace to report to State Treasurer the amount of fines during the year

Sec. 2. That any Clerk or Justice of the Peace who shall fail or neglect to make such report as provided for in the first section of this act, for the period of thirty days from the time in said first section named, shall on conviction thereof, before any Justice of the Peace of the

Penalty for non-compliance with this act